

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALESSANDRA JULIETTA ROVITO,

Plaintiff,

v.

MATHER DEPARTMENT OF
VETERANS AFFAIRS MEDICAL
CENTER,

Defendant.

Case No. 2:22-cv-00529-DAD-JDP (PS)

FINDINGS AND RECOMMENDATIONS

On February 14, 2023, I recommended that defendant's motion to dismiss be granted and that plaintiff's complaint be dismissed with leave to amend. ECF No. 9. On March 15, 2023, the court adopted the findings and recommendations, dismissed plaintiff's complaint for lack of subject matter jurisdiction, and granted plaintiff thirty days to file an amended complaint. ECF No. 10. The court also warned plaintiff that failure to timely file an amended complaint would result in dismissal of this action. *Id.*

The deadline has passed, and plaintiff has not filed an amended complaint or otherwise responded to the March 15, 2023 order. Accordingly, it is RECOMMENDED that:

1. This action be dismissed for lack of subject matter jurisdiction for the reasons set forth in the February 14, 2023 findings and recommendations.

1 2. The Clerk of Court be directed to close the case.

2 These findings and recommendations are submitted to the United States District Judge
3 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
4 after being served with these findings and recommendations, any party may file written
5 objections with the court and serve a copy on all parties. Such a document should be captioned
6 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the
7 objections shall be served and filed within fourteen days after service of the objections. The
8 parties are advised that failure to file objections within the specified time may waive the right to
9 appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
10 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

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12 IT IS SO ORDERED.

13 Dated: April 23, 2023

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15 JEREMY D. PETERSON
16 UNITED STATES MAGISTRATE JUDGE
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